

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 JOHN GARRETT SMITH,
9
10 v.

Plaintiff,

CASE NO. C18-5166 RBL

ORDER

11 JOHN HENRY BROWNE,
12
13 v.
Defendant.

14 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and
15 Recommendation [Dkt. # 8], and Plaintiff Smith's Objections [Dkt. # 10] to that R & R.
The Objections are not well-taken.

16 The R&R is ADOPTED. Smith's application to proceed *in forma pauperis* [Dkt. # 4] and
17 motion to amend [Dkt. # 5] are DENIED, and Smith's proposed complaint [Dkt. # 1-1] is
18 DISMISSED without leave to amend. The Court find this action to be frivolous and/or malicious and
will treat the dismissal as a strike under 28 U.S.C. § 1915.

19 IT IS SO ORDERED.

20 Dated this 30th day of July, 2018.

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23 Ronald B. Leighton
United States District Judge
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